

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WINDMILL DISTRIBUTING COMPANY, L.P.,

Plaintiff,

-against-

ORDER ADOPTING REPORT
AND RECOMMENDATION
23-CV-1407 (KAM) (JMW)

SHALINI JAIGOBAND,
PRABHACOOMARIE ARJOON,
JEAN CHOWLAN,
BRANDON LEE RAMESH AARONS RAMRATTAN, and
the ESTATE OF SHREE RAMESH RAMRATTAN,

Defendants.

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KIYO A. MATSUMOTO, United States District Judge:

The Court has reviewed Magistrate Judge James M. Wicks' comprehensive and well-reasoned Report and Recommendation (ECF No. 32, Report and Recommendation ("R&R")), dated May 11, 2023, to which no party has objected. Because no party has objected to the R&R within the statutory 14-day period, the Court "need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001).

On clear error review, the Court agrees with and adopts the R&R's meticulously analyzed and well-reasoned recommendation that Plaintiff's [24] Motion for Interpleader Deposit be granted in part and denied in part. Specifically, the Court agrees with Magistrate Judge Wicks that Plaintiff has

satisfied the jurisdictional requirements and demonstrated that it is a disinterested stakeholder that has made no claim to the Proceeds, but that it is nevertheless subject to competing and adverse claims regarding entitlement to the Proceeds. As such, the Court agrees with Magistrate Judge Wicks' recommendation that Plaintiff's requests be granted to (1) deposit the Proceeds plus interest with the Clerk of Court within twenty (20) days of the date of this Order, (2) to discharge Plaintiff from liability and dismiss Plaintiff from this action with prejudice, and (3) to enter a permanent injunction preventing the Defendants from proceeding in any State or Federal Court in any action to affect the Proceeds at issue in this action, and from instituting further action regarding the Proceeds.

As to Plaintiff's request for attorneys' fees, the Court agrees with Magistrate Judge James M. Wicks that because resolving conflicting claims to benefits is part of the ordinary course of business for a plan administrator like Plaintiff, and because "this case has proceeded apace without any unique complications and without any meaningful motion practice or other protractions. . . there are no unique circumstances that warrant fees." (R&R at p. 16.)

Accordingly, this Court adopts Magistrate Judge James M. Wicks' R&R and enters an Order (1) directing Plaintiff to deposit the total sum of \$220,163.00 plus any applicable accrued


interest since April 21, 2023 with the Clerk of Court in an interest-bearing account within twenty (20) days of this Order (August 7, 2023), (2) discharging Plaintiff from liability as to the Proceeds and permanently enjoining any current suits and proceedings and future suits and proceedings in State and Federal Court against Plaintiff with respect to the Proceeds; (3) dismissing Plaintiff from this case with prejudice; and (4) denying Plaintiff's request for attorneys' fees.

The Plaintiff is respectfully requested to serve all parties with a copy of this Order and note service on the docket by July 19, 2023.

The Court thanks Magistrate Judge James M. Wicks for his excellent Report and Recommendation and respectfully requests that a settlement conference and all other pre-trial proceedings be conducted by Magistrate Judge James M. Wicks. The parties may consent to jurisdiction of Magistrate Judge James M. Wicks for all purposes.

SO ORDERED.

Dated: July 17, 2023
Brooklyn, New York



KIYOKO A. MATSUMOTO
United States District Judge
Eastern District of New York